

## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 01-06-03

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AGENDA SECTION: BLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-6</b>
ITEM DESCRIPTION: Vacation Petition #02-19 by Darwin Friedrich to vacate the north 7 feet of the 10 foot wide utility easement on the south end of Lots 1 and 2, Block 1, Western First Replat. The property is located along the south side of 43 <sup>rd</sup> Street NW and west of 18 <sup>th</sup> Avenue NW and east of 42 <sup>nd</sup> Street NW.		PREPARED BY: Theresa Fogarty, Planner

December 27, 2002

### **Planning Department Recommendation:**

See attached staff report dated December 27, 2002

### **Council Action Needed:**

1. Following the hearing, if the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution to approve the vacation petition as submitted.

### **Attachments:**

1. Staff Report dated December 27, 2002.

### **Distribution:**

1. City Administrator
2. City Clerk
3. City Attorney: Copy of legal description is attached
4. Planning Department File
5. Applicant: This item will be considered by the Council sometime after 7:00 p.m. on Monday, January 6, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

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being each by me duly sworn did say they are ~~the~~ President of the Western Federal Savings and Loan Association and that said instrument sealed in its behalf by authority of its members, and that said [redacted] and Luella Hoiland acknowledge said instrument to be the free act and deed of said corporation.

# WESTERN 1ST REPLAT

E. Olson  
St. Louis County, Minnesota

Witness \_\_\_\_\_

Witness Michael R. McQuarrie and \_\_\_\_\_  
have caused these presents to be recorded this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

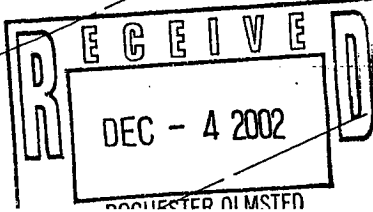
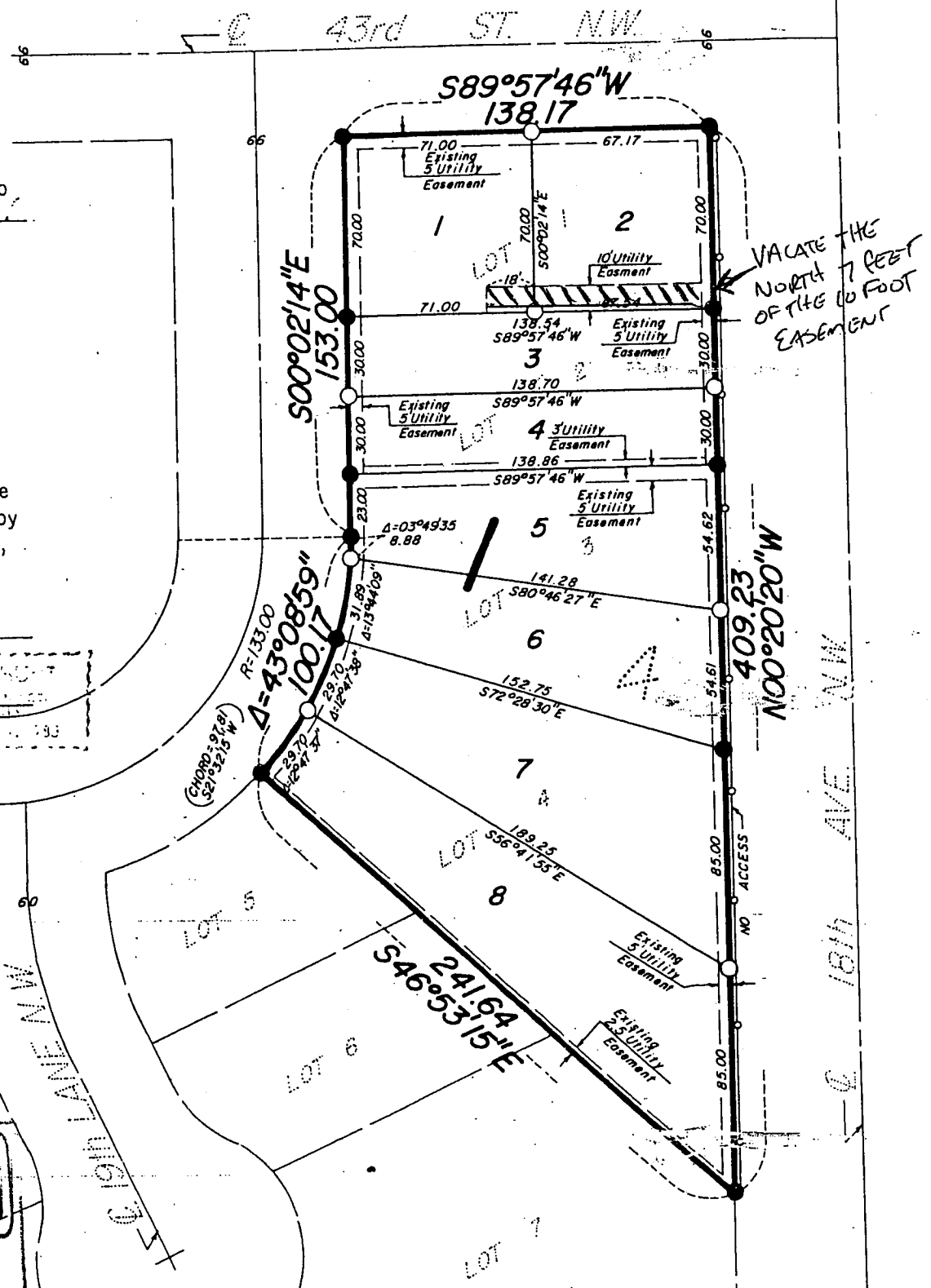
Witness \_\_\_\_\_

Witness \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ by \_\_\_\_\_  
Michael R. McQuarrie and Sandra J. McQuarrie,

St. Louis County, Minnesota

Witness \_\_\_\_\_



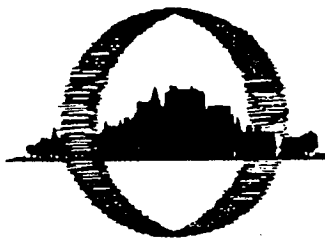


Vacation #02-19  
Darwin Friedrich  
200' Notification Distance  
Ward 3 McConnell  
12/17/02

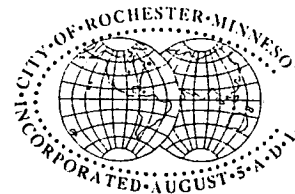
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**ROCHESTER-OLMSTED PLANNING DEPARTMENT**

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF  
*Olmsted*



**TO: City Council**

**FROM: Theresa Fogarty, Planner**

**DATE: December 27, 2002**

**RE: Utility Easement Vacation Petition #02-19 by Darwin Friedrich to vacate the north 7 feet of the 10 foot wide utility easement on the south ends of Lots 1 and 2, Block 1 Western First Replat. The property is located along the south side of 43<sup>rd</sup> Street NW and west of 18<sup>th</sup> Avenue NW and east of 42<sup>nd</sup> Street NW.**

**Planning Department Review:**

Petitioner(s):

Darwin Friedrich  
2315 NW 75<sup>th</sup> Street  
Rochester, MN 55901

Engineer/Surveyor:

Not applicable.

Reason to Vacate:

In August of 1979 a garage was constructed encroaching into the easement.

Referral Comments:

No objections were received from the referral agencies

Report Attachments:

1. Vacation Petition
2. Location Map

**Staff Recommendation:**

Upon review of this request and the referral agencies having no objections, staff recommends approval of vacating north 7 feet of the 10 foot wide utility easement on the south ends of Lots 1 and 2, Block 1 Western First Replat.

